



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,271	01/12/2001	David N. Harris	0013-011P1	2653

40972 7590 02/14/2005

HENNEMAN & SAUNDERS
714 WEST MICHIGAN AVENUE
THREE RIVERS, MI 49093

EXAMINER

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,271

Applicant(s)

HARRIS, DAVID N.

Examiner

Raquel Alvarez

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to communication filed on 11/15/2004.
2. Claims 1-36 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen 6,422,462 hereinafter Cohen.

Cohen teaches a computer system and corresponding computer method for verifying a commercial transaction comprising. A processing unit for processing data and code and a memory unit for storing data and code which includes a merchant communications module to connect with the merchant for receiving a transaction approval request (col. 5, lines 35-50), data including at least one pre-verification criteria associated with the account holder (col. 7, lines 20-67), and code further including an authorization module responsive to the transaction approval request to compare the request with the pre-verification criteria and to verify the request if the criteria is satisfied (col. 5, lines 45-50, col.7, line 20 - col. 8, line 67). Cohen also teaches a plurality of verification criteria are satisfied

Art Unit: 3622

(col. 7, line 65 - col. 8, line 40), the criteria are determined by the account holder (col. 7, lines 20-25, col. 9, lines 15-25), receive and establish a connection with the account holder, authenticate the account holder, present at least one criteria to the account holder, and receive modification instructions from the account holder (col. 3, lines 40-55, col. 12, lines 34-60), prior to receiving the modification instructions, none of the criteria can be satisfied (col. 9, lines 12-20), the pre-verification criteria includes at least one merchant identifier (col. 8, lines 40-47) for comparing and verifying the merchant associated with the transaction, the pre-verification criteria includes a maximum purchase price (col. 10, lines 28-31, 49-51) for comparison and verification of the transaction; criteria include a begin and end date for comparison and verification of the transaction (col. 7, lines 20-65).

With respect to the newly added feature of verifying said transaction approval request with said account-holder if said at least one pre-verification criteria is not satisfied. Cohen clearly teaches on col. 9, lines 58 to col. 10, lines 1-3, that **“in this embodiment, if a transaction is attempted with any one card which is excess of the predetermined ceiling for a single card, the card can be temporarily blocked or subject to verification of identity, to verify that the card was not stolen and being used illegally for large transactions”**

Response to Arguments

5. Applicant's arguments filed 11/15/2004 have been fully considered but they are not persuasive.

Art Unit: 3622

6. Applicant argues that Cohen doesn't teach verifying the transaction approval request with said account-holder if at least one pre-qualification criteria is not satisfied. As stated above in the rejection, Cohen teaches that if a transaction is in excess of the predetermined ceiling then the transaction is subject to verification (col. 9, lines 65 to col. 10, lines 1-3). In this case, Cohen does not automatically decline the particular transaction but verifies the identity of the card-holder for this large transaction that doesn't meet the pre-transaction requirements.

7. The Examiner asserts that Cohen teaches the claimed invention.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

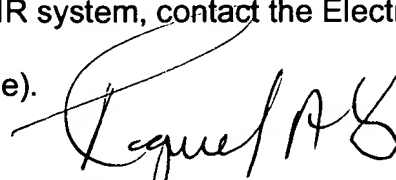
Art Unit: 3622

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (703)305-0456. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

For the upcoming move to the new Alexandria office, everyone has been assigned new phone and RightFax numbers. My new phone number will be : 571-272-6715, my supervisor's phone number will be: 571-272-6724.. This changes will not happen until April 2005 (or later) and therefore our current numbers are still in service until the move.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
2/9/05